



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,766	08/06/2003	Vincent Muniere	Q76546	6869

23373 7590 08/24/2005

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,766

Applicant(s)

MUNIERE, VINCENT

Examiner

Kamran Afshar, 571-272-7796

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/06/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Molno (U.S. Pub. No.: 2001/0030949 A1).

With respect to claims 1-2, 14-16, Molno discloses a mobile station, mobile radio network equipment, mobile radio system and / or a method of allocating packet mode resources in a mobile radio system in which (See e.g. EDGE packet data transfer channel, transfer mode, cellular communication system, etc. Pages 1-2, ¶ [0014]) a mobile station can send different types of packet mode resource requests to the network (See e.g. 41-49 of Fig. 7), corresponding to different transfer modes (See e.g. bit data rate, coding, modulation, bandwidth, circuit switch mode, packet switch mode, different bit rate, high bit rate, delay sensitive, etc., Page 1, ¶ [0005]) that inherently can be supported by the mobile station (See e.g. 41, 42 of Fig. 7), a mobile station inherently being able to use one or the other of request types (See e.g. See e.g. bit data rate, coding, modulation, bandwidth, circuit switch mode, packet switch mode, etc. Page 1, ¶ [0006]) corresponding to transfer modes that it supports, in accordance with its requirements, in which method, for signaling data transfer in the uplink direction, the signaling inherently being liable to generate an allocation of packet mode resources (See e.g. PSACCH, PTCCH, Page 2, ¶ [0015]) in the uplink direction for user data transfer (See e.g. signaling, signal, Page 1, ¶ [0001]), ¶ [0011], Page 2, ¶ [0014]), a mobile station uses a type of packet mode resource request corresponding to a transfer mode best suited to the requirements of the user data transfer (See e.g. Page 2, ¶ [0014]) and /

Art Unit: 2681

or including a cause specifying signaling data transfer requirements (See e.g. delay sensitive, Page 2, ¶ [0015]).

Regarding claim 3, Molno discloses different transfer modes supported correspond to different bit rates available (See e.g. high data rates, Page 1, ¶ [0005], data rate over 384 kbps, Page 1, ¶ [0006]).

Regarding claim 4, Molno discloses different bit rates available correspond to different modulation schemes available (See e.g. GMSK modulation, 8PSK modulation, Page 1, ¶ [0005]).

Regarding claim 5, Molno discloses different transfer modes include a General Packet Radio Service (GPRS) mode and an Enhanced General Packet Radio Service (EGPRS) mode (See e.g. Page 1, ¶ [0008]).

Regarding claim 6, Molno discloses one transfer mode best suited to the requirements of user data transfer corresponds to a transfer mode authorizing the highest bit rate (See e.g. high data rates, Page 1, ¶ [0005], data rate over 384 kbps, Page 1, ¶ [0006]).

Regarding claim 7, Molno discloses one transfer mode best suited to the requirements of user data transfer corresponds to the Enhanced General Packet Radio Service (EGPRS) mode (See e.g. page 1, ¶ [0008]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molno (U.S. Pub. No.: 2001/0030949 A1) in view of Hautamaki (U.S. Pub. No.: 2001/0038614 A1) further in view of Ramjee (U.S. Patent 6,842,462 B1).

Regarding claim 8, Molno discloses everything as discussed above in rejected claim 1. In an analogous field of endeavor, Hautamaki discloses allocation of resources and /or channels (page 4, ¶

Art Unit: 2681

[0028, Lines 15-19) and signaling data transfer (See e.g. signaling diagram of Figs. 2-4), signaling messages in accordance with a mobility management protocol (See e.g. 104 of Fig. 1). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Hautamaki to Molno to signaling data transfer requirements include requirements for transfer of signaling messages in accordance with a mobility management protocol. The motivation comes from Ramjee, so that the mobility management protocol is performed (See e.g. Co. 3, Line 67) to supports registration, authentication, paging, and handoff, a/k/a cell reselection, as well as procedures for channel access to transmit data packets etc. (See e.g. Co. 5, Lines 56-58).

Regarding claim 9, Ramjee discloses signaling messages (See e.g. Co. 7, Line 35, Co. 7, Lines 65-67) include a cell update message sent in the event of cell reselection during a current user data transfer (See e.g. Co. 8, Lines 56-63).

Regarding claim 10, Hautamaki discloses include a paging response message in packet mode prior to a transfer of user data in the downlink direction (See e.g. Page 3, ¶ [0016], 306 of Fig. 3a-3b).

Regarding claim 11, Hautamaki discloses user data transfer includes a transfer of data in accordance with the Transmission Control Protocol (TCP) (See e.g. (TCP) Page 1, ¶ {0006}).

Regarding claim 12, Hautamaki discloses a message used to transmit a type of packet mode resource request that corresponds to a transfer mode best suited to the requirements of a user data transfer is the EGPRS PACKET CHANNEL REQUEST message (See e.g. 307 of Figs. 3a, 3c, 3d, and Page 4, ¶ [0032]).

Regarding claim 13, Hautamaki discloses message includes a cause specifying signaling data transfer requirements (See e.g. Different qualities of service specify different delays for the transfer of packets between different ends of the connection, different bit rates, and the number of packets rejected may be different in connections with different qualities of service, Page 1, ¶ [0005]).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Lee (U.S. Pub. No.: 2002/0155853 A1), which discloses System And Method For Transmitting Data On a Reverse Link Channel.

Art Unit: 2681

b) Jiang (U.S. Pub. No.: 2002/0044527 A1), which discloses Channel efficiency Based Packet Scheduling For Interactive Data In Cellular Network.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kamran Afshar


ERIKA A. GARY
PRIMARY EXAMINER